

REFERENCE TITLE: athletic training board; repeal

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2782

Introduced by
Representatives Gallardo, Sinema: Ableser, Alvarez, Campbell CH, Chabin,
Farley, Lopes, Lujan, McGuire, Thrasher, Tobin

AN ACT

AMENDING SECTIONS 20-3151, 32-1921, 32-3101, 32-3201, 32-3405, 36-601.01 AND
41-1092, ARIZONA REVISED STATUTES; REPEALING TITLE 32, CHAPTER 41, ARIZONA
REVISED STATUTES; REPEALING SECTION 41-3010.07, ARIZONA REVISED STATUTES;
RELATING TO THE BOARD OF ATHLETIC TRAINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-3151, Arizona Revised Statutes, is amended to
3 read:

4 20-3151. Definitions

5 For the purposes of this ~~section~~ CHAPTER:

6 1. "Enrollee" means an individual who is enrolled in a health care
7 plan provided by a health care insurer.

8 2. "Health care insurer" means a disability insurer, group disability
9 insurer, blanket disability insurer, health care services organization,
10 hospital service corporation, medical service corporation or hospital and
11 medical service corporation.

12 3. "Health care plan" means a policy, contract or evidence of coverage
13 issued to an enrollee. Health care plan does not include limited benefit
14 coverage as defined in section 20-1137.

15 4. "Health care professional" means a professional who is regulated
16 pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
17 19.1, 25, 28, 29, 33, 34, 35, ~~OR 39 or 41~~, title 36, chapter 6, article 7 or
18 title 36, chapter 17.

19 Sec. 2. Section 32-1921, Arizona Revised Statutes, is amended to read:

20 32-1921. Exempted acts; exemption from registration fees;
21 definition

22 A. This chapter does not prevent:

23 1. The prescription and dispensing of drugs or prescription
24 medications by a registered nurse practitioner pursuant to rules adopted by
25 the board of nursing in consultation with the Arizona medical board, the
26 board of osteopathic examiners in medicine and surgery and the board of
27 pharmacy.

28 2. The sale of nonprescription drugs that are sold at retail in
29 original packages by a person holding a permit under this chapter.

30 3. The sale of drugs at wholesale by a wholesaler or manufacturer that
31 holds the required permit issued by the board to a person who holds the
32 required permit issued under this chapter.

33 4. The following health professionals from dispensing or personally
34 administering drugs or devices to a patient for a condition being treated by
35 the health professional:

36 (a) A doctor of medicine WHO IS licensed pursuant to chapter 13 of
37 this title.

38 (b) An osteopathic physician WHO IS licensed pursuant to chapter 17 of
39 this title.

40 (c) A homeopathic physician WHO IS licensed pursuant to chapter 29 of
41 this title.

42 (d) A podiatrist WHO IS licensed pursuant to chapter 7 of this title.

43 (e) A dentist WHO IS licensed pursuant to chapter 11 of this title.

1 (f) A doctor of naturopathic medicine who is authorized to prescribe
2 natural substances, drugs or devices and who is licensed pursuant to chapter
3 14 of this title.

4 (g) An optometrist who is licensed pursuant to chapter 16 of this
5 title and who is certified for topical or oral pharmaceutical agents.

6 5. A veterinarian WHO IS licensed pursuant to chapter 21 of this title
7 from dispensing or administering drugs to an animal or from dispensing or
8 administering devices to an animal being treated by the veterinarian.

9 6. The use of any pesticide chemical, soil or plant nutrient or other
10 agricultural chemical that is a color additive solely because of its effect
11 in aiding, retarding or otherwise affecting directly or indirectly the growth
12 or other natural physiological process of produce of the soil and thereby
13 affecting its color whether before or after harvest.

14 7. A licensed practical or registered nurse employed by a person WHO
15 IS licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from
16 assisting in the delivery of drugs and devices to patients, ~~in accordance~~
17 ~~with the provisions of~~ PURSUANT TO chapter 7, 11, 13, 14, 17 or 29 of this
18 title.

19 8. The use of any mechanical device or vending machine in connection
20 with the sale of any nonprescription drug, including proprietary and patent
21 medicine. The board may adopt rules to prescribe conditions under which
22 nonprescription drugs may be dispensed pursuant to this paragraph.

23 B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or
24 29 of this title and who employs a licensed practical or registered nurse who
25 in the course of employment assists in the delivery of drugs and devices is
26 responsible for the dispensing process.

27 C. Pursuant to a prescription order written by a physician for the
28 physician's patients and dispensed by a licensed pharmacist, a physical
29 therapist licensed pursuant to chapter 19 of this title, ~~OR~~ an occupational
30 therapist licensed pursuant to chapter 34 of this title ~~or an athletic~~
31 ~~trainer licensed pursuant to chapter 41 of this title~~ may procure, store and
32 administer nonscheduled legend and topical anti-inflammatories and topical
33 anesthetics for use in phonophoresis and iontophoresis procedures and within
34 the scope of practice of physical or occupational therapy ~~or athletic~~
35 ~~training~~.

36 D. A public health facility operated by this state or a county and a
37 qualifying community health center may dispense medication or devices to
38 patients at no cost without providing a written prescription if the public
39 health facility or the qualifying community health center meets all storage,
40 labeling, safety and record keeping rules adopted by the board of pharmacy.

41 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or
42 29 of this title, who is practicing at a public health facility or a
43 qualifying community health center and who is involved in the dispensing of
44 medication or devices only at a facility or center, whether for a charge or

1 at no cost, shall register to dispense with the appropriate licensing board
2 but is exempt from paying registration fees.

3 F. For the purposes of this section, "qualifying community health
4 center" means a primary care clinic that is recognized as nonprofit under
5 section 501(c)(3) of the United States internal revenue code and whose board
6 of directors includes patients of the center and residents of the center's
7 service area.

8 Sec. 3. Section 32-3101, Arizona Revised Statutes, is amended to read:

9 32-3101. Definitions

10 In this chapter, unless the context otherwise requires:

11 1. "Applicant group" means any health professional group or
12 organization, any individual or any other interested party that proposes that
13 any health professional group not presently regulated be regulated or that
14 proposes to increase the scope of practice of a health profession.

15 2. "Certification" means a voluntary process by which a regulatory
16 entity grants recognition to an individual who has met certain prerequisite
17 qualifications specified by that regulatory entity and who may assume or use
18 the word "certified" in a title or designation to perform prescribed health
19 professional tasks.

20 3. "Grandfather clause" means a provision applicable to practitioners
21 actively engaged in the regulated health profession before the effective date
22 of a law that exempts the practitioners from meeting the prerequisite
23 qualifications set forth in the law to perform prescribed occupational tasks.

24 4. "Health professions" means professions regulated pursuant to
25 chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33,
26 34, 35, ~~OR 39 or 41~~ of this title, title 36, chapter 6, article 7 or title
27 36, chapter 17.

28 5. "Increase the scope of practice" means to engage in conduct beyond
29 the authority granted to a health profession by law.

30 6. "Inspection" means the periodic examination of practitioners by a
31 state agency in order to ascertain whether the practitioners' occupation is
32 being carried out in a fashion consistent with the public health, safety and
33 welfare.

34 7. "Legislative committees of reference" means joint subcommittees
35 composed of the members of the appropriate standing committees of the house
36 of representatives and senate appointed pursuant to section 41-2954.

37 8. "Licensure" or "license" means an individual, nontransferable
38 authorization to carry on a health activity that would otherwise be unlawful
39 in this state in the absence of the permission, and that is based on
40 qualifications that include graduation from an accredited or approved program
41 and acceptable performance on a qualifying examination or a series of
42 examinations.

43 9. "Practitioner" means an individual who has achieved knowledge and
44 skill by practice and who is actively engaged in a specified health
45 profession.

10. "Public member" means an individual who is not and never has been a member or spouse of a member of the health profession being regulated and who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

11. "Registration" means the formal notification that, before rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner, the location, nature and operation of the health activity to be practiced and, if required by a regulatory entity, a description of the service to be provided.

12. "Regulatory entity" means any board, commission, agency or department of this state that regulates one or more health professions in this state.

13. "State agency" means any department, board, commission or agency of this state.

Sec. 4. Section 32-3201, Arizona Revised Statutes, is amended to read:

32-3201. Definitions

In this chapter, unless the context otherwise requires:

1. "Health profession regulatory board" means any board that regulates one or more health professionals in this state.

2. "Health professional" means a person who is certified or licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, ~~41~~ or 42 of this title, title 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36, chapter 17.

3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in section 12-2291 but does not include prescription orders.

Sec. 5. Section 32-3405, Arizona Revised Statutes, is amended to read:

32-3405. Occupational therapy fund; deposit of receipts by board

A. The occupational therapy fund is established. Pursuant to sections 35-146 and 35-147, civil penalties imposed under section 32-3442, subsection G, ~~shall~~ be deposited in the state general fund. The board shall deposit ten per cent of all other monies collected under this chapter in the state general fund and deposit the remaining ninety per cent in the occupational therapy fund. Monies in the occupational therapy fund may be used by the board for payment of all necessary board expenses, including compensation and expenses of board members ~~upon~~ ON claims approved by the board.

B. Monies deposited in the occupational therapy fund are subject to section 35-143.01.

~~C. The board shall establish a separate account in the fund for monies transferred to the fund pursuant to section 32-4105.~~

Sec. 6. Repeal

Title 32, chapter 41, Arizona Revised Statutes, is repealed.

1 Sec. 7. Subject to the requirements of article IV, part 1, section 1,
2 Constitution of Arizona, section 36-601.01, Arizona Revised Statutes, is
3 amended to read:

4 36-601.01. Smoke-free Arizona act: definitions

5 A. ~~Definitions. The following words and phrases, whenever used in this~~
6 ~~section, shall be construed as defined in this section~~ FOR THE PURPOSES OF
7 THIS SECTION:

8 1. "Employee" means any person who performs any service on a
9 full-time, part-time or contracted basis whether or not the person is
10 denominated an employee, ~~OR~~ independent contractor or otherwise and whether
11 or not the person is compensated or is a volunteer.

12 2. "Employer" means a person, A business, A partnership, AN
13 association, ~~the THIS state of Arizona~~ and its political subdivisions,
14 ~~corporations~~ A CORPORATION, including a municipal ~~corporations~~ CORPORATION, A
15 trust, ~~or non-profit~~ A NONPROFIT entity that employs the services of one or
16 more individual persons.

17 3. "Enclosed area" means all space between a floor and ceiling that is
18 enclosed on all sides by permanent or temporary walls or windows, ~~(exclusive~~
19 ~~of doorways)~~, ~~which~~ THAT extend from the floor to the ceiling. Enclosed
20 area includes a reasonable distance from any entrances, windows and
21 ventilation systems so that persons entering or leaving the building or
22 facility shall not be subjected to breathing tobacco smoke and so that
23 tobacco smoke does not enter the building or facility through entrances,
24 windows, ventilation systems or any other means.

25 4. "Health care facility" means any enclosed area ~~utilized~~ USED by any
26 health care institution licensed ~~according~~ PURSUANT to ~~title 36~~ chapter 4 OF
27 THIS TITLE, ~~chapter 6~~ article 7 OF THIS CHAPTER, ~~or chapter 17 OF THIS~~
28 TITLE, ~~or BY~~ any health care professional licensed ~~according~~ PURSUANT to
29 title 32, ~~chapters~~ CHAPTER 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1,
30 21, 25, 28, 29, 33, 34, 35, 39, ~~41~~, or 42.

31 5. "Person" means an individual, partnership, corporation, limited
32 liability company, entity, association, governmental subdivision or unit of a
33 governmental subdivision, or a public or private organization of any
34 character.

35 6. "Physically separated" means all space between a floor and ceiling
36 ~~which~~ THAT is enclosed on all sides by solid walls or windows, ~~(exclusive of~~
37 ~~door or passageway,)~~ and independently ventilated from smoke-free areas, so
38 that air within permitted smoking areas does not drift or get vented into
39 smoke-free areas.

40 7. "Places of employment" means an enclosed area under the control of
41 a public or private employer that employees normally frequent during the
42 course of employment, including office buildings, work areas, auditoriums,
43 employee lounges, restrooms, conference rooms, meeting rooms, classrooms,
44 cafeterias, hallways, stairs, elevators, health care facilities, private
45 offices and vehicles owned and operated by the employer during working hours

1 when the vehicle is occupied by more than one person. A private residence is
 2 not a ~~"place of employment"~~ unless it is used as a child care, adult day
 3 care, ~~or~~ or health care facility.

4 ~~9.~~ 8. "Public place" means any enclosed area to which the public is
 5 invited or in which the public is permitted, including airports, banks, bars,
 6 common areas of apartment buildings, condominiums or other multifamily
 7 housing facilities, educational facilities, entertainment facilities or
 8 venues, health care facilities, hotel and motel common areas, laundromats,
 9 public transportation facilities, reception areas, restaurants, retail food
 10 production and marketing establishments, retail service establishments,
 11 retail stores, shopping malls, sports facilities, theaters, ~~and~~ and waiting
 12 rooms. A private residence is not a ~~"public place"~~ unless it is used as a
 13 child care, adult day care, ~~or~~ or health care facility.

14 ~~10.~~ 9. "Retail tobacco store" means a retail store that derives the
 15 majority of its sales from tobacco products and accessories.

16 ~~11.~~ 10. "Smoking" means inhaling, exhaling, burning, ~~or~~ or carrying or
 17 possessing any lighted tobacco product, including cigars, cigarettes, pipe
 18 tobacco and any other lighted tobacco product.

19 ~~12.~~ 11. "Sports facilities" means enclosed areas of sports pavilions,
 20 stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and
 21 ice rinks, billiard halls, bowling alleys, ~~and~~ and other similar places where
 22 members of the general public assemble to engage in physical exercise,
 23 participate in athletic competition, ~~or~~ or witness sporting events.

24 ~~8.~~ 12. "Veteran and fraternal clubs" means a club as defined in
 25 ~~A.R.S. 4-101(7)(a)(b) or (c)~~ SECTION 4-101, PARAGRAPH 7, SUBDIVISION (a), (b)
 26 OR (c).

27 B. Smoking is prohibited in all public places and places of employment
 28 ~~within the~~ IN THIS state ~~of Arizona~~, except the following:

29 1. Private residences, except when used as a licensed child care,
 30 adult day care, ~~or~~ or health care facility.

31 2. Hotel and motel rooms that are rented to guests and THAT are
 32 designated as smoking rooms; provided, however, that not more than fifty
 33 ~~percent~~ PER CENT of rooms rented to guests in a hotel or motel are so
 34 designated.

35 3. Retail tobacco stores that are physically separated so that smoke
 36 from retail tobacco stores does not infiltrate into areas where smoking is
 37 prohibited under ~~the provisions of~~ this section.

38 4. Veterans and fraternal clubs when they are not open to the general
 39 public.

40 5. Smoking when associated with a religious ceremony practiced
 41 pursuant to the American Indian religious freedom act of 1978.

42 6. Outdoor patios ~~so long as~~ IF tobacco smoke does not enter areas
 43 where smoking is prohibited through entrances, windows, ventilation systems, ~~or~~
 44 or other means.

1 7. A theatrical performance ~~upon~~ ON a stage or in the course of a film
2 or television production if the smoking is part of the performance or
3 production.

4 C. The prohibition on smoking in places of employment shall be
5 communicated to all existing employees by ~~the effective date of this section~~
6 MAY 1, 2007 and to all prospective employees ~~upon~~ ON their application for
7 employment.

8 D. Notwithstanding any other provision of this section, an owner,
9 operator, manager, ~~or other person or entity in control of an establishment,~~
10 facility, ~~or outdoor area may declare that entire establishment, facility,~~
11 or outdoor area as a nonsmoking place.

12 ~~E. Posting of signs and ashtray removal.~~

13 ~~1.~~ E. "No smoking" signs or the international "no smoking" symbol,
14 ~~-(consisting of a pictorial representation of a burning cigarette enclosed in~~
15 ~~a red circle with a red bar across it,)-~~ shall be clearly and conspicuously
16 posted by the owner, operator, manager, ~~or other person in control of that~~
17 place identifying where smoking is prohibited by this section and where
18 complaints regarding violations may be registered.

19 ~~2.~~ F. Every public place and place of employment where smoking is
20 prohibited by this section shall have posted at every entrance a conspicuous
21 sign clearly stating that smoking is prohibited.

22 ~~3.~~ G. All ashtrays shall be removed from any area where smoking is
23 prohibited by this section by the owner, operator, manager, ~~or other person~~
24 having control of the area.

25 ~~F.~~ H. No employer may discharge or retaliate against an employee
26 because that employee exercises any rights afforded by this section or
27 reports or attempts to prosecute a violation of this section.

28 ~~G.~~ I. ~~The law~~ THIS SECTION shall be implemented and enforced by the
29 department of health services as follows:

30 1. The department shall design and implement a program, including the
31 establishment of an internet website, to educate the public regarding the
32 provisions of this ~~law~~ SECTION.

33 2. The department shall inform persons who own, manage, operate or
34 otherwise control a public place or place of employment of the requirements
35 of this ~~law~~ SECTION and how to comply with its provisions, including making
36 information available and providing a toll-free telephone number and e-mail
37 address to be used exclusively for this purpose.

38 3. Any member of the public may report a violation of this ~~law~~ SECTION
39 to the department. The department shall accept oral and written reports of
40 violation and establish an e-mail ~~address(es)~~ ADDRESS OR ADDRESSES and A
41 toll-free telephone ~~number(s)~~ NUMBER OR NUMBERS to be used exclusively for
42 the purpose of reporting violations. A person ~~shall not be~~ IS NOT required
43 to disclose the person's identity when reporting a violation.

44 4. If the department has reason to believe a violation of this ~~law~~
45 SECTION exists, the department may enter ~~upon and into~~ any public place or

1 place of employment for purposes of determining compliance with this ~~law~~
2 SECTION. However, the department may inspect public places where food or
3 alcohol is served at any time to determine compliance with this ~~law~~ SECTION.

4 5. If the department determines that a violation of this ~~law~~ SECTION
5 exists at a public place or place of employment, the department shall issue a
6 notice of violation to the person who owns, manages, operates or otherwise
7 controls the public place or place of employment. The notice shall include
8 the nature of each violation, date and time each violation occurred, ~~and~~ and
9 department contact person.

10 6. The department shall impose a civil penalty on the person in an
11 amount of not less than ~~\$100~~ ONE HUNDRED DOLLARS, but not more than ~~\$500~~ FIVE
12 HUNDRED DOLLARS for each violation. In considering whether to impose a ~~fine~~
13 CIVIL PENALTY and the amount of the ~~fine~~ CIVIL PENALTY, the department may
14 consider whether the person has been cited previously and what efforts the
15 person has taken to prevent or cure the violation including reporting the
16 violation or taking action under subsection ~~J~~ L OF THIS SECTION. Each day
17 that a violation occurs constitutes a separate violation. The director may
18 issue a notice that includes the proposed amount of the civil penalty
19 assessment. A person may appeal the assessment of a civil penalty by
20 requesting a hearing. If a person requests a hearing to appeal an
21 assessment, the director shall not take further action to enforce and collect
22 the assessment until the hearing process is complete. The director shall
23 impose a civil penalty only for those days on which the violation has been
24 documented by the department.

25 7. If a civil penalty imposed by this section is not paid, the
26 attorney general or a county attorney shall file an action to collect the
27 civil penalty in a justice court or the superior court in the county in which
28 the violation occurred.

29 8. The department may apply for injunctive relief to enforce ~~these~~
30 ~~provisions~~ THIS SECTION in the superior court in the county in which the
31 violation occurred. The court may impose appropriate injunctive relief and
32 impose a penalty of not less than ~~\$100~~ ONE HUNDRED DOLLARS but not more than
33 ~~\$500~~ FIVE HUNDRED DOLLARS for each violation. Each day that a violation
34 occurs constitutes a separate violation. If the superior court finds the
35 violations are willful or evidence a pattern of noncompliance, the court may
36 impose a ~~fine~~ CIVIL PENALTY OF up to ~~\$5000~~ FIVE THOUSAND DOLLARS per
37 violation.

38 9. The department may contract with a third party to determine
39 compliance with this ~~law~~ SECTION.

40 10. The department may delegate to a state agency or political
41 subdivision of this state any functions, powers or duties under this ~~law~~
42 SECTION.

43 11. The director of the department may ~~promulgate~~ ADOPT rules for the
44 implementation and enforcement of this ~~law~~ SECTION. The department is exempt
45 from the ~~rulemaking~~ RULE MAKING procedures PRESCRIBED in A.R.S. ~~§~~ title 41,

chapter 6, except the department shall publish draft rules and thereafter take public input including hold at least two public hearings ~~prior to~~ BEFORE implementing the rules. This exemption expires May 1, 2007.

~~H.~~ J. Beginning on June 1, 2008 and every other June 1 thereafter, the director of the Arizona department of health services shall issue a report analyzing its activities to enforce this ~~law~~ SECTION, including the activities of all of the state agencies or political subdivisions to whom the department has delegated responsibility under this ~~law~~ SECTION.

~~I.~~ K. An owner, manager, operator or employee of place regulated by this ~~law~~ SECTION shall inform any person who is smoking in violation of this ~~law~~ SECTION that smoking is illegal and request that the illegal smoking stop immediately.

~~J.~~ L. This ~~law~~ SECTION does not create any new private right of action nor does it extinguish any existing common law causes of action.

~~K.~~ M. A person who smokes where smoking is prohibited is guilty of a petty offense with a fine of not less than fifty dollars and not more than three hundred dollars.

~~L. — Smoke-free Arizona fund~~

~~I.~~ N. The smoke-free Arizona fund is established consisting of all revenues deposited in the fund pursuant to ~~§~~ SECTION 42-3251.02 and interest earned on those monies. The ~~Arizona~~ department of health services shall administer the fund. On notice from the department, the state treasurer shall invest and divest monies in the fund as provided by ~~§~~ SECTION 35-313, and monies earned from investment shall be credited to the fund.

~~2.~~ O. All ~~money~~ MONIES in the smoke-free Arizona fund shall be used to enforce ~~the provisions of~~ this section provided however that if there is money remaining after the department has met its enforcement obligations, that remaining money shall be deposited in the tobacco products tax fund and used for education programs to reduce and eliminate tobacco use and for no other purpose.

~~3.~~ P. Monies in this fund are continuously appropriated, are not subject to further approval, do not revert to the ~~STATE~~ general fund and are exempt from the provisions of ~~§36-190~~ SECTION 35-190 relating to the lapsing of appropriations.

~~M.~~ Q. This section does not prevent a political subdivision of ~~the~~ THIS state from adopting ordinances or regulations that are more restrictive than this section nor does this section repeal any existing ordinance or regulation that is more restrictive than this section.

~~N.~~ R. ~~Tribal sovereignty~~ — This section has no application on Indian reservations as defined in ~~ARS 42-3301(2)~~ SECTION 42-3301.

Sec. 8. Section 41-1092, Arizona Revised Statutes, is amended to read:

41-1092. Definitions

In this article, unless the context otherwise requires:

1. "Administrative law judge" means an individual or an agency head, board or commission that sits as an administrative law judge, that conducts

1 administrative hearings in a contested case or an appealable agency action
2 and that makes decisions regarding the contested case or appealable agency
3 action.

4 2. "Administrative law judge decision" means the findings of fact,
5 conclusions of law and recommendations or decisions issued by an
6 administrative law judge.

7 3. "Appealable agency action" means an action that determines the
8 legal rights, duties or privileges of a party and that is not a contested
9 case. Appealable agency actions do not include interim orders by
10 self-supporting regulatory boards or rules, orders, standards or statements
11 of policy of general application issued by an administrative agency to
12 implement, interpret or make specific the legislation enforced or
13 administered by it, nor does it mean or include rules concerning the internal
14 management of the agency that do not affect private rights or interests. For
15 the purposes of this paragraph, administrative hearing does not include a
16 public hearing held for the purpose of receiving public comment on a proposed
17 agency action.

18 4. "Director" means the director of the office of administrative
19 hearings.

20 5. "Final administrative decision" means a decision by an agency that
21 is subject to judicial review pursuant to title 12, chapter 7, article 6.

22 6. "Office" means the office of administrative hearings.

23 7. "Self-supporting regulatory board" means any one of the following:

- 24 (a) The ARIZONA state board of accountancy.
25 (b) The state board of appraisal.
26 (c) The board of barbers.
27 (d) The board of behavioral health examiners.
28 (e) The Arizona state boxing commission.
29 (f) The state board of chiropractic examiners.
30 (g) The board of cosmetology.
31 (h) The state board of dental examiners.
32 (i) The state board of funeral directors and embalmers.
33 (j) The Arizona game and fish commission.
34 (k) The board of homeopathic medical examiners.
35 (l) The Arizona medical board.
36 (m) The naturopathic physicians board of medical examiners.
37 (n) The state board of nursing.
38 (o) The board of examiners of nursing care institution administrators
39 and adult care home managers.
40 (p) The board of occupational therapy examiners.
41 (q) The state board of dispensing opticians.
42 (r) The state board of optometry.
43 (s) The Arizona board of osteopathic examiners in medicine and
44 surgery.
45 (t) The Arizona peace officer standards and training board.

1 (u) The Arizona state board of pharmacy.
2 (v) The board of physical therapy examiners.
3 (w) The state board of podiatry examiners.
4 (x) The state board for private postsecondary education.
5 (y) The state board of psychologist examiners.
6 (z) The board of respiratory care examiners.
7 (aa) The structural pest control commission.
8 (bb) The state board of technical registration.
9 (cc) The Arizona state veterinary medical examining board.
10 (dd) The acupuncture board of examiners.
11 (ee) The Arizona regulatory board of physician assistants.
12 ~~(ff) The board of athletic training.~~
13 ~~(gg)~~ (ff) The board of massage therapy.
14 Sec. 9. Repeal
15 Section ~~41-3010.07~~, Arizona Revised Statutes, is repealed.
16 Sec. 10. Transfer of monies
17 All monies in the separate account established for the board of
18 athletic training in the occupational therapy fund established by section
19 32-3405, Arizona Revised Statutes, as amended by this act, that remain
20 unexpended and unencumbered on the effective date of this act are transferred
21 to the state general fund.
22 Sec. 11. Requirements for enactment; three-fourths vote
23 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
24 section 36-601.01, Arizona Revised Statutes, as amended by this act, is
25 effective only on the affirmative vote of at least three-fourths of the
26 members of each house of the legislature.